

THE DAILY COMMONWEALTH.

VOL. 9.

NO. 87.

THE DAILY COMMONWEALTH
IS PUBLISHED BY
A. G. HODGES & COMPANY,

AT \$1 50 for the Session.

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Frankfort, Jan. 12, 1859-ff.

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Frankfort, Kentucky.

WILL practice Law in all the Courts in Frankfort
and the adjoining counties. Office on St. Clair,
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Attorney and Counselor at Law,
LEXINGTON, KY.

OFFICE on Shortstreet between Limestone and
Upper streets. (May 23, 1858-ff).

JOHN RODMAN,
ATTORNEY AT LAW,
Office on St. Clair Street, next door to Morse's
Telegraph Office.

WILL practice in all the Courts held in Frankfort,
in Oldham, Henry, Trimble and Owen counties.

Oct. 28, 1853.

S. D. MORRIS,
Attorney and Counselor at Law,
FRANKFORT, KY.

Office on St. Clair Street, with J. & W. L. Harlan.

REFER TO
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Gov. L. W. POWELL, Frankfort, Ky.

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July 23, 1853-ff.

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Office on Main Street, Frankfort, Ky.

WILL practice in all the Courts held in Frankfort,
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Oct. 28, 1853.

B. & J. MONROE,
ATTORNEYS AT LAW,
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H. JAMES MORSE will attend to the collection of
claims in central Kentucky; also to the investigation of
titles to land in Kentucky, on behalf of non-residents
and others. (April 9, 1858-ff).

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Time Receipts given to New York, Boston, Philadel-
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Lexington, Oct. 25, 1858-ff.

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THE COMMONWEALTH.

From the Maysville Express.

Union Meeting at Flemingsburg.

In pursuance to a previous call the citizens of Fleming county, irrespective of party, met in mass meeting at the court house, in Flemingsburg, Ky., on Monday the 26th December, to express their fidelity to the Constitution of the United States and unwavering devotion to the Union.

And upon motion of Hon. L. M. Cox, Hon. Jas. M. Alexander was appointed President of the meeting, and John J. Allen, John Gray, R. S. Porter, Col. F. R. Davis, Dr. Wm. Bell, J. Stewart, Jacob Overley, James P. Fant, Robert Butler, Michael Hendrick, Wm. Blain, Jas. T. O'Bannon, James W. Mullay, Lewis Summers, Isaac Kelly, Dr. A. J. O'Bannon, H. T. Wilson, Robert Evans, Girard Hord, Col. Wm. Ewing, Robert Ewing, John G. B. Todd, Joel Lukins, Col. William Darnall, Samuel Cassidy, W. G. Brown and James B. Pepper were appointed Vice Presidents.

On motion of Wm. Trimble, James P. Harbeson, John M. Harbeson, Col. L. A. Planck, Wm. Plummer and M. M. Teagor were appointed Secretaries.

On motion of Hon. L. M. Cox, the Chair appointed the following persons a committee on resolutions, viz: Hon. L. W. Andrews, Hon. L. M. Cox, Wm. Hord, Wm. P. Ficklin, Chas. M. Fleming, Chas. E. Johnson, Dr. E. Logan, Chas. F. Maxwell, John Burdum, H. C. Sousey, Col. H. B. Dobyns, Wm. S. Botts, John T. Fleming and Geo. S. Fleming, who reported the following resolutions:

WHEREAS, There are periods of time in the history of all nations when a recurrence to the first and standard principles upon which their Government is founded is healthy and wise in the people for whose protection and prosperity that Government is established; therefore,

Resolved, That believing that the Constitution of the United States, and the Federal Union protected thereby, are threatened with destruction from the conflicting opinions and passions which pervade the minds of many of our fellow-citizens, and that such an event would be fatal to free government and the hopes of toiling millions of our race, we feel it our duty to express our constancy to the Constitution and unwavering devotion to the Federal Union; and whilst expressing these sentiments we declare that, in our opinion, the foundation of all just government is the consent of the governed; that our fathers framed the Constitution upon this fundamental principle; and to prevent revolution and secure the redress of grievances, that the Constitution provides for such changes and modification, the necessity of which shall be demonstrated by experience. Every citizen is rightfully presumed to have consented that the Constitution shall be the supreme law of civil conduct, and when any part of the Constitution shall work oppression, a mode is pointed out on which it can be changed. In this way, and this way only, can grievances under the Constitution be lawfully redressed, and so of the laws made in conformity with the Constitution; they are equally the supreme law of the land, and every citizen has consented and is morally and politically bound to obey them.

If any citizen thinks the law unconstitutional, inexpedient or oppressive, he has the right to express his opinions in terms which will work no injury to his fellow-citizens, and to procure by reason its repeal. But no citizen has the right to resist the execution of the law upon his private judgment, nor has any combination of citizens nor any State such right. The Constitution not only provides the mode of repealing bad laws, and redressing evils resulting therefrom, but it also provides a peaceful mode of determining every question which can arise as to their conformity with the Constitution. The Supreme Court was ordained to decide and settle all such questions; and when that tribunal has decided, the citizen is as much bound by that decision as he is by the undisputed requirements of the Constitution itself. This being the nature and form of our great republic in regard to it as the true and rightful government of the people, they should maintain and execute its requirements with unflinching firmness, whenever and wherever the execution of the laws are resisted by individuals, combinations, factions or States; the united power of the people, through the organized departments of government, should be cheerfully bestowed and unhesitatingly employed to execute the laws and punish malefactors. By this means, and this means only, can the government of the people be maintained against the evil designs of evil minded men, and the powerful combinations of ambition; and we desire, as we believe all lovers of social order and free government ought in this crisis of our country's history, to offer to the authorities of our country our determination to support and preserve the Constitution and Union of the States. In the Union, under the Constitution, our country has risen from weakness and comparative insignificance among the nations of the earth to a strength, power and grandeur unparalleled in the history of the world; and by fidelity and constancy to her institutions she may pursue the path of prosperity until she reaches the highest goal of political government, and bestow the greatest possible good upon the largest number of her people. In the Union, under the Constitution, our Republic has attained her power and glory; and in the Union and under the Constitution we alone hope for the happy results of free government, not only in our own country, but throughout the world; and we deprecate with detestation every sentiment which tends to disperse our great Constitutional blessings or to impair the sacred union of these States—the palladium of our liberties." We abhor with indignation the efforts of individuals, combinations and States, to deprecate the value of the Constitution and the Union, or to destroy their integrity. Among such efforts we characterize intemperate and indiscriminate denunciations of whole sections, thus confounding the innocent with the guilty, and alienating the people of one section from another. We feel, also, that the laws passed by some of the States, forbidding their citizens from executing the laws of the United States, is a grievance of which we have a right to complain, not only because of the intended injury to the people of one section in regard to their property, but because such laws are rebellious and revolutionary, and tend to the destruction of the whole fabric of legitimate government. We believe that the expression of political opinion should be so guarded as not to work a direct injury, and that opposition to slavery, when expressed in words which tend to instigate servile insubordination, insurrection, and murder, is a high moral offense against the peace and integrity of the Government, and when committed within the States where the practical evil may result, should be punished as a high crime against society. Notwithstanding the dangers which threaten the integrity of the Government, we believe the great body of the people North and South will rally to the banner of the Constitution in support of our glorious Union. We shall with gladness, as an evidence of this, the recent manifestations of patriotism by immense assemblies of our Northern brethren; and we tender to all Union men, under the Constitution, who are resolved to maintain the one and obey the other, our cordial sympathy and cooperation.

Resolved, That we respectfully request the people of every county in Kentucky, and in all the other States of the Union, to hold Union meetings, without distinction of party, and give utterance to their loyalty to and love for the Constitution and Union of the United States.

Resolved, That we request the editors of all newspapers in the Union, who are friendly to the Constitution and the Union, to publish these proceedings in their journals.

After the reading of the foregoing resolutions, it was moved and seconded that they be adopted as expressive of the sense of the meeting; whereupon Hon. L. W. Andrews, Hon. Martin P. Marshall, Col. R. H. Forrester, and Hon. L. M. Cox, ably and eloquently addressed the

meeting in support of said resolutions; after which they were adopted unanimously.

On motion, the meeting adjourned.

JOS. M. ALEXANDER, President.
WM. F. TRIMBLE, Jas. P. HARBESEN,
JOHN M. HARBESEN, L. H. PLANCK,
WM. PLUMMER, M. M. TEAGAR,
Secretaries.

From the Jackson Mississippian.

Douglas or Seward.

We fully concur in the subjoined strictures of the Charleston Mercury upon the attitude of Southern men, who, while professing to abhor the doctrines of Douglas, and to despise him for his treachery to the Democratic party and the South, yet say they would support him for the Presidency in preference to Seward or any other Black Republican. The reasoning and conclusion of the Mercury upon the effect of such declarations are certainly correct.

Sometimes (but rarely is it the case in Mississippi, to her credit be it said,) Southern men go so far as to advocate the nomination of Douglas as a necessity, holding the South to be reduced to the alternative of accepting him, or having Seward elected. The recent elections in Maine and Ohio, where the Democracy permitted themselves to be led by the leaders of the squatter sovereignty faction, and their platforms to be corrupted by the incorporation of the Douglas heresy, yet were vanquished more signalily than in Northern States in which the Democracy firmly maintained the principles of the Dred Scott decision and openly repudiated Douglas, afford a sufficient answer to this degrading plea of availability. The fact is now apparent that, while the Illinois traitor is without the support of the Illinois State, with all the electioneering appliances and corrupting agencies which are used in his behalf, he is weaker, even in his boasted strongholds of the West and New England, than any prominent, reliable man of the party to which he professes to be attached, but whose principles and organization he has unblushing and infamously betrayed.

Resolved, That believing that the Constitution of the United States, and the Federal Union protected thereby, are threatened with destruction from the conflicting opinions and passions which pervade the minds of many of our fellow-citizens, and that such an event would be fatal to free government and the hopes of toiling millions of our race, we feel it our duty to express our constancy to the Constitution and unwavering devotion to the Federal Union; and whilst expressing these sentiments we declare that, in our opinion, the foundation of all just government is the consent of the governed; that our fathers framed the Constitution upon this fundamental principle; and to prevent revolution and secure the redress of grievances, that the Constitution provides for such changes and modification, the necessity of which shall be demonstrated by experience. Every citizen is rightfully presumed to have consented that the Constitution shall be the supreme law of civil conduct, and when any part of the Constitution shall work oppression, a mode is pointed out on which it can be changed. In this way, and this way only, can grievances under the Constitution be lawfully redressed, and so of the laws made in conformity with the Constitution; they are equally the supreme law of the land, and every citizen has consented and is morally and politically bound to obey them.

If there be no "practical value," as timid Southern men allege, in the question of the exclusion of slave property by territorial legislation under the Douglas plan, there is, for like reason, none in the plan of Congressional legislation which has been so strenuously urged by Seward, and so earnestly resisted by the South. And thus there is no logical cohesion, any more than there is wisdom or honor, in the position which would accept Douglas, and would resist "even to the disruption of the last tie that binds us to the Union," the inauguration of Seward.

But read the article from the Mercury:

Douglas or a BLACK REPUBLICAN.—When a man in the South says that although he does not approve of Senator Douglas' doctrine of Squatter Sovereignty, yet that he will support him if nominated by the Charleston Convention, for the Presidency, in preference to a Black Republican, he may be considered as an out and out Douglas adherent. The Northern States (as the Convention will be organized of those admitting to the Convention whole tiers of States, like the New England States, which cannot give a single vote for the Democratic party,) will have the absolute control of the Convention. What they want is, not support from the South in the Convention in nominating a candidate. That they can do without a single vote from the South; but they want simply acquiescence—submission—co-operation from the South, after they have exercised their power of nomination. Now, it may not do in Douglas' adherents in the South to support directly Douglas, with his Abolition heresy of Squatter Sovereignty. The direct support of Douglas may weaken them at the South, and it is not at all important to his nomination. But let them give an indirect, conditional support—let them declare, beforehand, their acquiescence, in case Douglas is the nominee of the Charleston Convention, and this is all that is necessary for his success.

The pretext that they will support him in preference to a Black Republican, is, of course, nothing but a pretense. He is just as bad as a Black Republican. He co-operated with, and obtained for the Republicans their triumph over the South in the rejection of Kansas from the Union. Eli Thayer, and whole hosts of Black Republicans, look upon his policy as the very best to secure the exclusion of slaves from our Territories, and their settlement and appropriation by the free States. But if this was not so, the alternative they are pleased to make between Douglas and a Black Republican is a mere fiction, to suit their policy. There is no such alternative in the nature of things. If really intent on maintaining and preserving the rights of the South, they would naturally support a man for the Presidency who truly and faithfully reflects this policy. When, therefore, they refuse to set up and support such a man, and support Douglas, the shallow game is apparent.

They are playing a part—the best game they can in the South, to suit the end they have in view—the elevation of Douglas to the Presidency. To make Mr. Douglas President of the United States is of more consequence than the maintenance of the rights and interests of the South.

The South is stronger than principal, and the South is a more make-weight to them than power.

They are the best Douglas sharpshooters, because they fight behind trees.

WASHINGTON, Dec. 31.

Hon. L. O. B. Branch, member of Congress from N. C., was arrested at a late hour last night, on a warrant issued by Justice Denn, on a charge of being about to make arrangements to leave the District of Columbia for the purpose of engaging in a hostile combat with G. A. Grow, of Pennsylvania. He was held in \$5,000 bail for his appearance for a further examination.

Mr. Grow has also been arrested and gave bail in the sum of \$5,000 to keep the peace, and not leave the District to fight a duel.

Mr. Grow had yesterday engaged a hackman to call at a place designated to take him and his party at three o'clock this morning in the direction of Silver Springs, Maryland. The hackman did not keep the secret; hence the arrest.

The principal friend of Mr. Branch in this affair is Mr. Winslow, of North Carolina, and of Mr. Grow, Hon. Mr. Fenton, of New York.

THE DETS OF THE POET LAMARTINE.—M. de Lamarque has left Magon for Paris. No purchaser having come forward for his estate, and the national subscription having only produced about 160,000 francs to pay more than 2,500,000 francs of debts. He called all his creditors—more than four hundred—together at the Chateau of Monceau, and proposed to give up to them his estates, the value of which exceeded his liabilities. He also stated that, notwithstanding the insufficiency of the national subscription, he had paid to his creditors, in eighteen months, out of the produce of his literary labors, a sum of 1,200,000 francs, and engaged to pay, in January and February next, a further sum of 9,000 francs; so that his debts would be reduced to 1,000,000 francs.

We never respect persons who aim simply to amuse us. There is a vast difference between those who call amusing men and those we designate enteraining; we laugh with the former and reflect with the latter.

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But read the article from the Mercury:

Douglas or a BLACK REPUBLICAN.—When a man in the South says that although he does not approve of Senator Douglas' doctrine of Squatter Sovereignty, yet that he will support him if nominated by the Charleston Convention, for the Presidency, in preference to a Black Republican, he may be considered as an out and out Douglas adherent. The Northern States (as the Convention will be organized of those admitting to the Convention whole tiers of States, like the New England States, which cannot give a single vote for the Democratic party,) will have the absolute control of the Convention. What they want is, not support from the South in the Convention in nominating a candidate. That they can do without a single vote from the South; but they want simply acquiescence—submission—co-operation from the South, after they have exercised their power of nomination. Now, it may not do in Douglas' adherents in the South to support directly Douglas, with his Abolition heresy of Squatter Sovereignty. The direct support of Douglas may weaken them at the South, and it is not at all important to his nomination. But let them give an indirect, conditional support—let them declare, beforehand, their acquiescence, in case Douglas is the nominee of the Charleston Convention, and this is all that is necessary for his success.

The pretext that they will support him in preference to a Black Republican, is, of course, nothing but a pretense. He is just as bad as a Black Republican. He co-operated with, and obtained for the Republicans their triumph over the South in the rejection of Kansas from the Union. Eli Thayer, and whole hosts of Black Republicans, look upon his policy as the very best to secure the exclusion of slaves from our Territories, and their settlement and appropriation by the free States. But if this was not so, the alternative they are pleased to make between Douglas and a Black Republican is a mere fiction, to suit their policy. There is no such alternative in the nature of things. If really intent on maintaining and preserving the rights of the South, they would naturally support a man for the Presidency who truly and faithfully reflects this policy. When, therefore, they refuse to set up and support such a man, and support Douglas, the shallow game is apparent.

They are playing a part—the best game they can in the South, to suit the end they have in view—the elevation of Douglas to the Presidency. To make Mr. Douglas President of the United States is of more consequence than the maintenance of the rights and interests of the South.

The South is stronger than principal, and the South is a more make-weight to them than power.

They are the best Douglas sharpshooters, because they fight behind trees.

WASHINGTON, Dec. 31.

Hon. L. O. B. Branch, member of Congress from N. C., was arrested at a late hour last night, on a warrant issued by Justice Denn, on a charge of being about to make arrangements to leave the District of Columbia for the purpose of engaging in a hostile combat with G. A. Grow, of Pennsylvania. He was held in \$5,000 bail for his appearance for a further examination.

Mr. Grow has also been arrested and gave bail in the sum of \$5,000 to keep the peace, and not leave the District to fight a duel.

Mr. Grow had yesterday engaged a hackman to call at a place designated to take him and his party at three o'clock this morning in the direction of Silver Springs, Maryland. The hackman did not keep the secret; hence the arrest.

The principal friend of Mr. Branch in this affair is Mr. Winslow, of North Carolina, and of Mr. Grow, Hon. Mr. Fenton, of New York.

THE COMMONWEALTH.

From the Maysville Express.

Union Meeting at Flemingsburg.

In pursuance to a previous call the citizens of

Fleming county, irrespective of party, met in mass meeting at the court house, in Flemingsburg, Ky., on Monday the 26th December, to express their fidelity to the Constitution of the United States and unwavering devotion to the Union.

And upon motion of Hon. L. M. Cox, Hon. Jas. M. Alexander was appointed President of the meeting, and John J. Allen, John Gray, R. S. Porter, Col. F. R. Davis, Dr. Wm. Bell, J. Stewart, Jacob Overley, James P. Fant, Robert Butler, Michael Hendrick, Wm. Blain, Jas. T. O'Bannon, James W. Mullay, Lewis Summers, Isaac Kelly, Dr. A. J. O'Bannon, H. T. Wilson, Robert Evans, Girard Hord, Col. Wm. Ewing, Robert Ewing, John G. B. Todd, Joel Lukins, Col. William Darnall, Samuel Cassidy, W. G. Brown and James B. Pepper were appointed Vice Presidents.

On motion of Wm. Trimble, James P. Harbeson, John M. Harbeson, Col. L. A. Planck, Wm. Plummer and M. M. Teagor were appointed Secretaries.

On motion of Hon. L. M. Cox, the Chair appointed the following persons a committee on resolutions, viz: Hon. L. W. Andrews, Hon. L. M. Cox, Wm. Hord, Wm. P. Ficklin, Chas. M. Fleming, Chas. E. Johnson, Dr. E. Logan, Chas. F. Maxwell, John Burdum, H. C. Sousey, Col. H. B. Dobyns, Wm. S. Botts, John T. Fleming and Geo. S. Fleming, who reported the following resolutions:

WHEREAS, There are periods of time in the history of all nations when a recurrence to the first and

THE COMMONWEALTH.

FRANKFORT.

THOMAS M. GREEN, Editor.

WEDNESDAY, JANUARY 4, 1860.

In another column we publish the proceedings of the recent Union meeting in Fleming county. The meeting was participated in by persons of all parties, and everything passed off harmoniously as befitting the occasion. We regard the sentiments promulgated by the gathering as worthy of the warmest expressions of approbation. They form the most cheering of all the signs of the times. May it not be hoped that the example set by our friends in Northern Kentucky will be followed in other portions of the State?—All of the cities of the North have had meetings of their citizens, denouncing the purposes of the Abolitionists, and expressing an unchangeable attachment to the Union, and they should be encouraged in their patriotic and conservative action. Let Kentuckians unanimously respond in a befitting manner to those Northern men who have resolved that the Federal compact shall be maintained in good faith. We propose that a meeting similar to that held in Fleming county be called to meet in the city of Frankfort at an early day, and that patriotic citizens of all parties be invited to participate. What say our readers? We wish to hear from them on this subject, confident that all of them will lend aid and encouragement to the honest endeavor to reunite the nation in bonds of friendship and good will.

HOMICIDE.—On last Sunday morning a man was slain in this city under circumstances suggestive of much serious reflection. Two young men, one of whom was named ISAAC N. HAWKINS, went together to a house on the hill East of Frankfort. After chatting there awhile, they started to leave, and had reached the open air when they were followed by a man named JOHN CRUTCHER, a drayman in the employment of Jno. Henderson, who ordered them to leave the house. Hawkins answered "well! we are going." Crutcher replied "you had better leave very quick, or I'll be into you." Hawkins rejoined, "you're gassing." Crutcher then picked up a piece of brick and struck Hawkins with it, on the side of the head, three times. Hawkins, recovering himself, then stabbed him once through the wrist, and once in the breast, after which Crutcher threw the brick at him and returned to the house, remarking that he was dying, which he did in about thirty minutes after receiving the wound. On Monday morning Hawkins was brought before Police Judge Graham, and was acquitted on the ground that he had acted in self-defense. Whilst every one must regard the decision of the examining Judge as just, they will be unable to acquit the young man of all blame. He is certainly guiltless of murder, in the eyes of either God or man, but through life the thought will haunt him that had he not exhibited a contempt for the Sabbath, and had he kept away from evil company, he would not now have the blood of his fellow man on his hands. We say this in no spirit of unkindness towards the unfortunate young man, the smitings of whose conscience will every day of his life be a sufficient punishment for his offense, but we hold up this case as a warning to others. The company of evil men and women leads to perdition as certainly as any instrument of Satan can.

"They're H—l's chief engines, by the Devil made, To heighten and enlarge his growing trade."

Sabbath breaking, and evil company! what might not have been expected?

We take pleasure in calling the attention of our friends to the New Grocery and Confectionery of Mr. Jno. C. HENDRICKS, at the corner of St. Clair and Broadway streets. It will be seen from his advertisement that he has bought out Mr. J. R. Watson, and will continue the business, at the same old stand. Mr. H. is a worthy young man, of steady and moral habits, and correct in all business transactions, and we bespeak for him a liberal share of the patronage of the public.

ROBBERY OF THE CINCINNATI POST OFFICE—ARREST OF JUVENILE THIEVES.—For some weeks past numerous letters have been missed from the post office in Cincinnati. Friday night, about the time the St. Louis mail arrived, a little boy was discovered prowling around the doors of the distributing rooms in the rear of the building. He was immediately arrested, and acknowledged that he was one of a gang, who, for some weeks past, has been in the habit of slyly entering the distributing rooms by turns about the time of the arrival of the Western mails, when the attention of the employees was attracted outside, and secreting themselves among the mailbags till a favorable opportunity presented, they would seize a pack-

age of letters and make their escape. The boy who had been arrested pointed out another, an older one, aged about fifteen years, residing in Newport, who is said to be the leader of the party, and who was also taken into custody.

For the Commonwealth, The Marriage of Cousins.

MR. EDITOR:—I have recently learned that our Chief Magistrate has recommended the enactment of a law to prohibit the marriage of persons within certain degrees of consanguinity.

When we contemplate the universality of the opinion that serious evils attend the progeny of consanguineous progenitors, and the abiding conviction that this opinion is founded in truth, and the further fact that some of the other States have already enacted such a law, we not only comprehend, but appreciate the motive of His Excellency in recommending such a measure.

It is certainly true that it is very generally believed that the progeny of relations have entailed upon them an organic condition that renders them not only sufferers, but unfit for all the normal ends of human society. As prevalent as this opinion is, and as thorough as the conviction of its truth is, yet its truth has never been affirmatively settled. The writer grew up under a conviction of the truth of this opinion, and lived under it till about fifteen years since, when he was induced to investigate it.

Believing that our legislators have no desire to do a silly or a useless thing, and much less to do mischief, I have deemed it to be my duty, as a citizen of the State, to submit for their consideration the result of my investigations in this relation. But before doing so, I beg leave to present the conclusion of another gentleman who has given attention to the subject. In the Boston Medical and Surgical Journal for July 14th, 1859, I met with an article from the pen of John Bell, M. D., of New York, entitled, "The effects of the consanguinity of parents upon the mental constitution of the offspring." The Doctor founded his investigation on statistics obtained in Europe, and also in this country, and with this communication I send you also Dr. Bell's article which you can publish if you think it best. In conclusion, the Doctor says "we may well doubt whether the marriage of relations is one of the causes which fill our insane and idiotic asylums with abortive and diseased minds, and our general hospitals with the wrecks of physical frames."

We admit the evils complained of to be productive and to exist even to an alarming extent, but we deny blood relation or consanguinity of progenitors to be in any wise the cause. Several years since we observed well marked illustrations of the evils complained of in the children of sound, vigorous and healthy progenitors and between whom there was no consanguinity. These facts at the time I observed them were inexplicable to me, and for the purpose of finally understanding their cause I instituted a course of systematic observation upon progenitors and progeny. The result was the discovery of a law of physiological incompatibility to obtain very frequently between the sexes in relation to progeny.

This law obtains with consanguinity as with other parties, and with other parties as with the consanguine; consequently it is a mere circumstance that exerts no more influence over the progeny than do the names of the progenitors, or any other circumstance having as little relation to the premises.

Although this evil is diffused through all classes of society, and has probably been operating ever since the race began, its results have not hitherto been observed except in association with consanguinity; and but for the circumstance of consanguinity, it would not, probably, up to this time, have attracted special attention.

The whole subject resolves itself into this: certain of the human temperaments are incompatible in relation to progeny.

Although we are certain that consanguinity exerts no influence in the premises, yet, I am inclined to think it probable that in equal numbers of consanguineous parties and extra-consanguineous parties, that the former will present a larger per cent. of incompatible temperaments, and hence of incompatible parties than the latter.

Those who can diagnose correctly the simple temperaments and their combinations, can be taught in an hour to diagnose sexual compatibility, incompatibility, &c. Any legislation that could prevent the marriage of constitutionally incompatible parties, would effect more good to the State than any legislation ever did since the race began to be; for observation has forced me to the conviction, that all idiocy, all tuberculous or scrofulous forms of disease have their origin in this constitutional incompatibility. And if all our physicians were as practically acquainted with the human temperaments as they ought to be, then, in the space of one newspaper column, we could enable all of them to diagnose sexual compatibility. This evil is so great that in a few years, when the people shall become informed in relation to it, they will require of their physicians a knowledge of this subject.—If all marriages were, by law, prohibited unless authorized by a certificate setting forth the physical compatibility of the parties who seek the solemnization of their marriage, then we would have no more of those evils which have been attributed to consanguineous marriages. I believe that this cause will ultimately be adopted by legislators. For it is not to be expected that all young people will become sufficiently enlightened in this relation to guide themselves safely.

To bring this discovery before the people generally, we have founded a monthly journal; the first number is out. If you will, Mr. Editor, read the two first pages you will obtain a clear view of the importance of the subject. I send you a copy, sir, and permit me to hope that you will give it a notice. I have reduced the practice of this subject almost to the precision of an exact science, as you will perceive by some cases which I have presented in the journal. High professional authority has announced this to be the most important discovery ever made in human physiology.

Yours respectfully,

W. BYRD POWELL, M. D.
COVINGTON, KY., Dec. 29th, 1859.

The Pittsburg Journal learns from the Salem (O.) papers that the Abolitionists residing in that vicinity, intend to disinter the remains of Copie, recently hung at Charlestown, Va., with the view of having a public funeral. They intend to get up a grand pageant, and an immense crowd of people are expected to be present and assist in the ceremony.

Decision of the Court of Appeals.

[Reported expressly for the Commonwealth by JOHN M. BROWN, Attorney-at-Law, Frankfort, Ky.]

CHELF
or
Penn et al. From the Taylor Circuit Court.

DUVALL, Judge, delivered the opinion of the Court.

The duties and obligations which devolve upon the keeper of a tavern are clearly defined by law. And among the various remedies afforded by the statute, for any violation of those duties and obligations, is the power conferred upon the Judge of the County Court, either "upon his own view or knowledge, or upon the information on oath of two or more creditable witnesses," to suppress any tavern in his county, until the next succeeding County Court, when the violation of duty complained of may be enquired into. (*Rev. Stat., sec. 8, p. 661.*)

This proceeding is a public proceeding, having for its object the protection of the public against the consequences of an abuse of the privileges conferred by law upon tavern keepers.

In this case the petition charges that the appellants "falsely and maliciously" procured an order from the County Judge of Taylor county suppressing the plaintiff's tavern until the next succeeding County Court day; but the appellant failed to allege, either in term or in substance, that the order of suppression was procured with out probable cause.

This Court has repeatedly decided that an averment to this effect is indispensably necessary in all actions for a malicious prosecution, and indeed for the malicious suing out even of civil process in certain cases. And the opinion in the case of *Maddox vs McGinnis*, 7 Mon. 372, will illustrate the propriety of applying this principle to the case before us.

The failure of the appellant, therefore, to allege that the appellees gave the information to the County Judge, before whom the proceeding originated, without probable cause, constituted a fatal defect in the petition.

But the demurred to the petition was properly sustained upon another ground. The record exhibits by the appellant, as part of his petition, shows that from the order of the County Judge, restoring the appellant to his privileges as a tavern keeper, on the motion of the County Attorney, as provided by *sec. 10, Rev. Stat., supra*, an appeal was granted to the Circuit Court; and that appeal, from all that appears in the record, is still pending, or it may be that the order appealed from has been already reversed.

The appellant, having shown by his own pleadings and exhibits that he has not been finally acquitted of the charge, and that the alleged proceeding against him is still pending and undecided, was not in a condition to institute or maintain this action. It must, in all such cases, be alleged and proved that the proceeding which is set forth as the foundation of the action had been finally determined in favor of the plaintiff.

The judgment is affirmed.

THE LOUISVILLE JOURNAL.—This newspaper, in its thirteenth year, has attained a celebrity and circulation surpassed by few papers out of the city of New York. As a Daily Journal, the proprietors will spare no expense to make it of the first class. The net-work of Telegraph all over the Union enables them to report all events of public interest almost simultaneously with their occurrence; while the increased facilities of Railroad communication offer new channels for the prompt delivery of the *Journal* to subscribers in the very shortest period after publication.

The AGRICULTURAL DEPARTMENT of the *Journal* is made one of special attention and interest. The articles under this head are prepared by a Practical Farmer, and have commanded the approval of some of the best agriculturists in this and other States.

The terms of subscription are as follows, per year:

Large Daily, sent by mail, \$8 00
Country Daily and Tri Weekly, 5 00
Weekly (in clubs of ten,) 1 50
single copy, 2 00

Remittances by mail in registered letters at our risk.

All communications addressed to
THEatre, HENDERSON & OSBORNE,
Jan. 4, 1860. Louisville, Ky.

IT is one of the humanitarian movements of our times, although little known as such, can hardly be over estimated in its importance upon the well-being of our widely scattered communities. The population of the American States is in many sections so sparse, that skillful Physicians are hardly available to them. Vast numbers of our people are obliged to employ, in sickness, such medical relief as they can hear of from each other, or indeed any they can get from any quarter. Hence arises the great consumption of Patent Medicines among us, greater by far than in any of the old countries, where skillful physicians are accessible to all classes. Unprincipled men have long availed themselves of this necessity, to palm off their worthless nostrums, until the word has become synonymous with imposition and cheat. One of our leading Chemists in the East, DR. AYER, is pursuing a course which defeats this iniquity. He brings not only his own, but the best skill of our times to bear, for the production of the best remedies which can be made. These are supplied to the world, in a convenient form, at low prices, and the people will no more buy poor medicines instead of good, at the same cost, than they will brain-stormed flour. The inevitable consequence of this is, that the vile compounds that flood our country are discarded for those which honestly accomplish the end in view—which cure. Do we over estimate its importance, in believing that this prospect of supplanting the by-word medicines, with those of actual worth and virtue, is fraught with immense consequence for good, to the masses of our people.—*Gazette and Chronicle, Peru, Ia.*

IT is the use of Dr. HOSTETTER'S STOMACH BITTERS for Dyspepsia, Flatulence, Headiness, or the Stomach, or any other like affection, is second to none in America or abroad. To be able to state confidently that the "Bitters" are a certain cure for dyspepsia and like diseases, is to the proprietors a source of unalloyed pleasure. It removes all morbid matter from the stomach, purifies the blood, imparts renewed vitality to the nervous system, giving it tone and energy so indispensable for the restoration of health. The numerous acknowledgments of its superior excellence and beneficial results, have assured the proprietors that it cannot but prove a great cure to the afflicted, and impart vitality to the thorough system. See advertisement in another column.

Oysters! Oysters!! Oysters!!! HAMILTON & MALTEBY's Celebrated Baltimore Fresh Oysters, at \$1 20 a Can. These Oysters are warranted equal in flavor to any Oyster in the city. I am daily receiv'd from them and my family may rely upon getting them fresh.

J. T. ROBERTS, Agent.

Jan. 2, 1860-w&t/w.

IT is a wondrous thing how my friends and strangers generally, that I can now furnish Party Tables in the finest style—equal to any table furnished by city Confectioners.

IT persons from a distance would do well to give me a call before purchasing elsewhere.

JOHN C. HENDRICKS.

Oysters! Oysters!! Oysters!!! FARMERS BANK OF KENTUCKY, Frankfort, Jan. 2, 1860.

DIVIDEND of five per cent. on the capital stock of this Bank, payable to stockholders on demand, has been this day declared. By order of the Board.

Jan. 3, 1860-w&t/w.

A. W. DUDLEY.

Dividend Notice.

FARMERS BANK OF KENTUCKY, Frankfort, Jan. 2, 1860.

DIVIDEND of five per cent. on the capital stock of this Bank, payable to stockholders on demand, has been this day declared. By order of the Board.

Jan. 3, 1860-w&t/w.

J. B. TEMPLE, Cashier.

WANTED.

I WISH to hire or purchase a NEGRO WOMAN or

WOMAN of good qualifications.

Jan. 2, 1860-w&t/w.

A. W. DUDLEY.

Brand and Pattern Letters of Various Styles.

ELECTROTYPING

In all its Branches.

Dec. 30, 1859-ly.

R. ALLISON, Superintendent.

FOR RENT.

THE two Store Rooms under the Metropolitan Hall.

Dec. 14, 1859-ly.

ORLANDO BROWN.

AT COST.

I WILL sell my entire stock of MILLINERY GOODS

at COST FOR CASH, as I wish to quit the business.

Nov. 21-w&t/w.

MRS. E. C. STROBRIDGE.

COURT OF APPEALS.

MONDAY, Jan. 2, 1860.

CAUSES DECIDED.

AKINS v Hobson et al, Green; reversed.

Porter v Same, Green; affirmed.

Fraze et al v Black et al, Lou. Ch'y; affirmed.

Jones v Bunn, Jefferson; reversed.

Grubb v McCoy, Jefferson; reversed.

ORDERS.

Clinton McClarty, Esq., of Owensesboro', and

John B. Bruner, Esq., of Hardsburg, admitted

Attorneys in this Court.

Snowden v Brown, Lou. Ch'y;

Glover v Alexander, Lou. Ch'y;

Nuttall v Webster, Lou. Ch'y;

Louisville v Bannon, Lou. Ch'y—were ar-

gued.

Piatt's ex'r v Piatt, Boone; argument contin-

ued by Humphrey Marshall for appellee.

TUESDAY, Jan. 3d, 1860.

HEALTH RESTORED!



DR. MOTTS.

Chalybeate Pills.

An aperient and stomachic preparation of IRON purified of Oxygen and Carbon by combustion in Hydrogen, of high medical authority and extraordinary efficacy in each of the following complaints, viz:

DEBILITY, NERVOUS AFFECTIONS, EMACIATION, DYSEPSIA, DIARRHEA, CONSTIPATION, SCROFULA, SALT RHEUM, SCURVY, JAUNDICE, LIVER COMPLAINTS, BELEUMATISM, MERCURIAL CONSEQUENCES, INTERMITTENT FEVERS, NEURALGIA, CHRONIC HEADACHES, FEMALE WEAKNESS, MISMENSTRUATION, WHITES, CHLOROSIS, IMPIMPLES ON THE FACE, ROUGHNESS OF THE SKIN, etc.

The IRON being absorbed by the blood, and thus circulating through the whole system, no part of the body can escape their truly wonderful influence.

The experience of thousands daily proves that no preparation of Iron can for a moment be compared with it. Impurities of the blood, depression of vital energy, pale and otherwise sickly complexions indicate its necessity in almost every conceivable case. In all cases of female debility (flor albus, chlorosis, etc.), its effects are delightfully renovating. No remedy has ever been discovered, in the whole history of medicine, which exerts such prompt, happy, and fully restorative effects. Good appetite, complete digestion, rapid acquisition of strength, with an unusual disposition for active and cheerful exercise, immediately follow its use. As a grand stomachic and general restorative it has no superior and no metal.

Put up in neat flat boxes containing one plain 50 cent piece per box, six boxes \$3.00—dozen boxes \$3.60. For sale by Druggists generally. Will be sent free to any address on receipt of the price. All letters, orders, etc., should be addressed to

R. B. LOCKE & CO.

General Agents.

THE GREAT FAMILY PAPER.

N.B.—The above is a facsimile of the label on each box.

November 7, 1859.

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THE GREAT FAMILY PAPER.

PROSPECTUS

OF

THE NEW YORK LEDGER.

An indication of the popularity of the LEDGER we need only state that its daily circulation is larger than that of any other TEN literary papers in the country. The great success is owing to the fact that its proprietor secures the best writers in the country, and selects the express writers of the day. THE NEW YORK LEDGER is of high moral tone. The exalted reputation of its contributors; the practical and invariably pure and healthy character of all its articles, which is taken that even one offensive word shall appear in it; the high moral tone of its editorials and sketches; have gained for the NEW YORK LEDGER a position that no literary paper has ever before reached. We feel, and always have felt, since the LEDGER attained its immense circulation, that a heavy responsibility rests upon us, and have worked to discharge that responsibility conscientiously, feeling confident that ultimately we should receive the thanks of thousands and thousands of families.

To the future, we are at a loss what to say. We promise to do our best, and we sincerely trust that we have done so known to our readers; they know what the LEDGER has been and is now, and must therefore judge what it will be hereafter. We can only say that among the contributors to the LEDGER are

EDWARD EVERETT, W. C. BRYANT,
CHARLES DICKENS, GEO. P. MORRIS,
P. T. BARKER, H. H. BRADLEY,
H. H. RAYMOND, ANNA CORA RITCHIE,
GEO. D. PRENTICE, FANNY FERN,
JOHN G. SAXE, MRS. SUGARNEY,
SYLVANUS COBB, JR., MRS. SOUTHWORTH,
EDWARD BENNETT, MRS. VIVIAN MARLAND,
WM. R. WADDELL, ALICE CAREY,
CARLOS D. STUART, EMMA A. BROWN,
COL. W. B. DUNLAP, SALLIE M. BRYANT,

and many eminent Lawyers, Clergymen, Professors in Colleges, and others, who write for the LEDGER anonymously; and that our complete arrangements are such that current events of the LEDGER are now and will continue to be at the rate of over three hundred thousand dollars per annum.

FACTS like these carry with them more weight than any comments that could be made, and comments will not be welcome. As we have already indicated, we shall have premiums on those who wish to expend their force in this way, and content ourselves with doing what we can to make the LEDGER the most interesting and instructive FAMILY PAPER in the world.

THE NEW YORK LEDGER is published every Saturday, paid quarterly or yearly, in advance, at the office of the printer, a rate of only twenty-six cents a year. Canada subscribers must add two dollars and twenty-six cents in addition to the subscription price of the LEDGER, to pay the American postage.

All persons must write their addresses, including the name of the paper, and which they reside, in plain hand, so as to be legible.

No subscriptions are wanted from cities, large villages, or other places where news-offices are permanently established.

All communications must be addressed, postage paid, to ROBERT BONNER,
Proprietor of the New York Ledger,
No. 45 Ann St., N. Y.

The Sabbath School Bell.

NEW collection of choice hymns and tunes, originally and standard, carefully and simply arranged as solos, duets, trios, semi-choruses, and choruses, and for organ, melodeon, or piano. This book contains nearly 200 of the best collections for Sabbath Schools, for Sabbath Schools ever issued. Price, 12 cents \$3 per hundred, postage 1 cent.

Elegantly bound, 20 cents, \$15 per hundred, postage 1 cent. Among the large number of new and popular tunes may be found "King Ward," "New Year's Day," "God is Here," "God is There." These were sung to some five thousand children and teachers at the Sunday School Celebration and United States Teachers' Convention at Jayne's Hall, Philadelphia, by the Misses Laura and Anna, and the Rev. Dr. Bryan, Jr., and were highly appreciated. Nearly ten thousand copies have been sold within sixty days.

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They have been introduced to some of the largest schools in New York and Brooklyn. Among the number are Dr. Tyng's, Dr. Hutton's, Dr. Gillette's, and Mr. McLean's. Just published by HORACE GRISWOLD, Agent.

May 2, 1859.

THE REPORT OF THE Kentucky State Agricultural Society, FOR 1856 AND 1857,

Just published, and for sale at this office, at \$2 per copy. THIS Report will be found very interesting and useful to all who feel an interest in the Agricultural Improvement of the State. It is in the style of the "Report of the Kentucky Geological Survey;" it is a volume of 596 pages, embellished with a number of cuts of the animals which took premiums at the State Fairs.

All orders to be addressed to E. O. NORTON, Agent.

A. G. HODGES.

COMMISSIONER'S NOTICE.

HENRY MOSS, Administrator of Herman Bowmar, Jr., Attorneys in fact for Herman Bowmar, deceased.

Take notice that I will attend in my office in the town of Versailles, Kentucky, on the 10th day of January, 1860, to receive and settle your accounts as Administrator and Attorney in fact, according to a Judgment of the Woodford Circuit Court at the October Term 1859 of said Court. The settlement to be continued from day to day until completed.

GEORGE COTTON, M. C. W. C. C.

November 15, 1859—W. C. C.

SECOND VOLUME OF THE KENTUCKY FARMER.

Only One Dollar Per Annum!

NOW IS THE TIME TO SUBSCRIBE!!!

The First Volume of the "KENTUCKY FARMER" closed with the June number, and the Second Volume will commence in July. We promised a year ago to try and give to the Agriculturalists and Stock Raisers of Kentucky a paper worthy of their patronage. We put the question now to every one of its patrons: Have we redeemed that pledge? Ha! we give you a fair equivalent for THE DOLLAR... which was paid for the KENTUCKY FARMER? If so, let every one of our present subscribers renew their own subscriptions, and try and send us ONE OR MORE additional names for the SECOND VOLUME.

The receipts for the First Volume have paid the expenses of its publication. We promised our patrons that we would publish ONE VOLUME whether we obtained a sufficient amount to pay its expenses or not. The publication of the June number has redeemed that pledge. Shall we have the kind and continued support of its present patrons, together with their aid in extending its circulation? If so, we promise to do everything in our power to make the paper worthy of a generous Kentucky public.

The "KENTUCKY FARMER" will still be published monthly in its present form of sixteen large quarto pages, for ONE DOLLAR per annum, payable in advance. As the small amount charged for the paper will not justify the trouble and expense of collecting subscriptions, no paper will be forwarded unless paid in advance.

Our Subscriptions can be forwarded to us by mail, a risk. Letters addressed to us need not be registered. Simply address

A. G. HODGES, Frankfort, Ky.

June 15, 1859.

HOWARD ASSOCIATION, PHILADELPHIA.

TESTIMONIALS OF THE HORACE WATERS PIANOS AND MELODEONS.

A Benevolent Institution established by special Endowment for the Relief of the Sick and Distressed, affected with Virulent and Epidemic Diseases.

THE HOWARD ASSOCIATION, in view of the awful destruction of human life caused by Sexual diseases, has decided to open a Dispensary for the treatment of these diseases by Quacks, several years ago directed their Consulting Surgeon, as a CHARITABLE ACT worth of their name, to open a Dispensary for the treatment of this class of diseases, in all their forms, and give them a liberal discount. The Howard Association, No. 1 and 2, with several additional pieces, containing 75 tunes and hymns. Price 8 cents each, \$2 per hundred.

The *Revival Penny Music Book*, Nos. 1 and 2, No. 1 contains 50 tunes and hymns. Price 1 cent each, \$2.

The *Anniversary and Sunday School Music Book*, No. 2, contains 50 tunes and hymns. Price 4 cents each, \$3 per hundred.

The *Anniversary and Sunday School Music Book*, No. 3, contains 50 tunes and hymns. Price 4 cents each, \$3 per hundred.

The *Anniversary and Sunday School Music Book*, combining Nos. 1 and 2, with several additional pieces, containing 75 tunes and hymns. Price 8 cents each, \$2 per hundred.

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